



SUSANA MARTINEZ
Governor
JOHN A. SANCHEZ
Lieutenant Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT

P.O. Box 5469
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Phone (505) 476-8620 Fax (505) 476-8656
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RYAN FLYNN
Cabinet Secretary
BUTCH TONGATE
Deputy Secretary

CERTIFIED RETURN RECEIPT REQUESTED
7005 1820 0001 5772 3071

April 10, 2015

Anita Laran
Guadalupita MDWCA
PO Box 307
Guadalupita, NM 87722

RE: Administrative Compliance Order, No. 2014-ACO-02 Guadalupita MDWCA, PWS# NM3515818

Ms. Laran:

Please find attached Administrative Compliance Order No. 2014-ACO-02 issued to Guadalupita MDWCA, for Guadalupita MDWCA, PWS# NM3515818, under the Environmental Improvement Act, NMSA 1978, § 74-1-10, the Drinking Water Regulations, 20.7.10 NMAC. Please review the Administrative Compliance Order (Order) carefully to understand what action must be taken to comply with the requirements of the Order. Guadalupita MDWCA has a right to answer the allegations in the Order and request a hearing, NMSA 1978, §§ 61-33-120.E and 74-1-10.E and 20.1.5 NMAC (available at www.nmenv.state.nm.us).

If you have any questions or need assistance with meeting the requirements of this Order, please contact Maria J. Medina, Enforcement Coordinator, at 505-476-8629 or via email at maria.medina@state.nm.us.

Sincerely,

Trais Kliphuis
Division Director
Water Protection Division

cc. Alejandro Sandoval, Compliance Officer
Jenna Manheimer, Region 6, EPA (Electronic)
P:\~ENFORCEMENT\Individual PWS Enforcement Info
Central File

STATE OF NEW MEXICO
SECRETARY OF ENVIRONMENT

NEW MEXICO ENVIRONMENT DEPARTMENT
WATER PROTECTION DIVISION,

Complainant,

No. 2015-ACO-02

v.

GUADALUPITA MDWCA,
Respondent.

ADMINISTRATIVE COMPLIANCE ORDER

Pursuant to the Environmental Improvement Act ("EIA"), NMSA 1978, § 74-1-10, and the Drinking Water Regulations ("DW Regulations"), 20.7.10 NMAC, the Secretary of the New Mexico Environment Department ("NMED"), acting through the Director of the Water Protection Division of the NMED, issues this Administrative Compliance Order ("Order") to Guadalupita MDWCA ("Respondent") to enforce the EIA and DW Regulations.

FINDINGS

1. The NMED is an executive agency within the government of the State of New Mexico and is charged with administration and enforcement of the EIA and DW Regulations.
2. Respondent owns and operates a public drinking water system ("System") Guadalupita MDWCA, PWS# NM351518, located in Mora County, New Mexico.
3. The System is a Community water system, as defined by Section 20.7.10.100 NMAC, [incorporating 40 C.F.R. § 141.2], that regularly provides piped drinking water to approximately eighty-two (82) residents and has approximately eighty-two (82) service connections to serve these residents.
4. Respondent, Guadalupita MDWCA, is a "person" as defined by the EIA, NMSA 1978, § 74-1-3 and 20.7.10.100 NMAC, [incorporating 40 C.F.R. § 141.2].

5. 20.7.10.100 NMAC [incorporating 40 C.F.R. § 141.134(c)(1)], defines the monitoring requirements for disinfectant residuals and requires monitoring results be submitted within ten (10) days following the quarter in which the residuals were collected.

6. On January 23, 2013, a Notice of Violation (NOV) was issued to Respondent by NMED for failure to submit disinfectant residuals for fourth (4th) quarter of 2012. The NOV notified Respondent that it was required to provide public notice of the violation.

7. On August 7, 2013, a Notice of Violation (NOV) was issued to Respondent by NMED for failure to submit disinfectant residuals for second (2nd) quarter of 2013. The NOV notified Respondent that it was required to provide public notice of the violation.

8. On February 18, 2014, a Notice of Violation (NOV) was issued to Respondent by NMED for failure to submit disinfectant residuals for third (3rd) and fourth (4th) quarters of 2013. The NOV notified Respondent that it was required to provide public notice of the violation.

9. 20.7.10.100 NMAC [incorporating 40 C.F.R. § 141.152(b)], requires that all community public water systems must provide a Consumer Confidence Report (CCR) to their consumers and to the State by July 1st of each year.

10. On November 5, 2013, a Notice of Violation (NOV) was issued to Respondent by NMED for failure to submit a CCR for the 2012 calendar year to their consumers and the State by July 1, 2013.

11. On July 29, 2014, a Notice of Violation (NOV) was issued to Respondent by NMED for failure to submit a CCR for the 2013 calendar year to their consumers and the State by July 1, 2014.

12. 20.7.10.100 NMAC [incorporating 40 C.F.R. § 141.21(a)(2)], Coliform Sampling, requires community water system serving 25 to 1,0000 persons to collect one (1) total coliform sample per month.

13. On November 15, 2013, a Notice of Violation (NOV) was issued to Respondent by NMED for failure to conduct routine total coliform monitoring for October 2013. The NOV notified Respondent that it was required to provide public notice of the violation.

14. On January 17, 2014, a Notice of Violation (NOV) was issued to Respondent by NMED for failure to conduct routine total coliform monitoring for December 2013. The NOV notified Respondent that it was required to provide public notice of the violation.

15. On February 12, 2014, a Notice of Violation (NOV) was issued to Respondent by NMED for failure to conduct routine total coliform monitoring for January 2014. The NOV notified Respondent that it was required to provide public notice of the violation.

16. On January 22, 2015, a Notice of Violation (NOV) was issued to Respondent by NMED for failure to conduct routine total coliform monitoring for April 2014. The NOV notified Respondent that it was required to provide public notice of the violation.

17. On August 20, 2014, a Notice of Violation (NOV) was issued to Respondent by NMED for failure to conduct routine total coliform monitoring for July 2014. The NOV notified Respondent that it was required to provide public notice of the violation.

18. On January 22, 2015, a Notice of Violation (NOV) was issued to Respondent by NMED for failure to conduct routine total coliform monitoring for October 2014. The NOV notified Respondent that it was required to provide public notice of the violation.

19. On February 25, 2015, a Notice of Violation (NOV) was issued to Respondent by NMED for failure to conduct routine total coliform monitoring for January 2015. The NOV notified Respondent that it was required to provide public notice of the violation.

VIOLATION 1

20. Respondent is in violation of 20.7.10.100 NMAC, [incorporating 40 C.F.R. § 141.134(c)(1)], which defines the monitoring requirements for disinfectant residuals and requires monitoring results be submitted within ten (10) days following the quarter in which the residuals were collected. Respondent failed to submit disinfectant residuals for fourth (4th) quarter 2012, second (2nd) quarter 2013, and third (3rd) and fourth (4th) quarters 2013.

VIOLATION 2

21. Respondent is in violation of 20.7.10.100 NMAC [incorporating 40 C.F.R. § 141.152(b)], which requires that all community public water systems must provide a Consumer

Confidence Report (CCR) to their consumers and to the State by July 1st of each year. Respondent failed to submit a CCR for the 2012 and 2013 calendar years to their consumers and the State by July 1, 2013 and July 1, 2014 respectively.

VIOLATION 3

22. Respondent is in violation of 20.7.10.100 NMAC, [incorporating 40 C.F.R. § 141.21(a)(2)], Coliform Sampling, which requires community water system serving 25 to 1,0000 persons to collect one (1) total coliform sample per month. Respondent failed to collect total coliform samples for October 2013, December 2013, January 2014, April 2014, July 2014, October 2014, and January 2015.

RETURN TO COMPLIANCE

Based upon the foregoing, Respondent is hereby ordered to comply with the following:

23. Upon receipt of this Order, comply with 20.7.10.100 NMAC, [incorporating 40 C.F.R. § 141.134(c)(1)], and submit disinfectant residual monitoring results to NMED DWB within (10) days following the quarter in which the residuals were collected.

24. By July 1, 2015, comply with 20.7.10.100 NMAC [incorporating 40 C.F.R. § 141.152(b)], and provide a CCR to their consumers and the State.

25. Upon receipt of this Order, comply with 20.7.10.100 NMAC, [incorporating 40 C.F.R. § 141.21(a)(2)], and collect monthly total coliform samples.

26. Submittals made pursuant to paragraphs 23 through 25 of this Order shall be sent by standard U.S. mail or certified mail with return receipt requested to the following:

Maria J. Medina, Enforcement Coordinator
New Mexico Environment Department
Drinking Water Bureau
P.O. Box 5469
Santa Fe, NM 87502-5469

If respondent fails to comply with the requirements of paragraphs 23 through 26 of this order, the Secretary of NMED may assess additional civil penalties not to exceed one thousand dollars (\$1,000) for each instance of noncompliance with this order.

RIGHT TO ANSWER AND REQUEST A HEARING

Pursuant to NMSA 1978, §§ 61-33-120.E and 74-1-10.E and 20.1.5 NMAC (available at www.nmenv.state.nm.us), Respondent has the right to request a hearing. If Respondent (a) contests any material or legal matters upon which this Order is based; (b) contends that Respondent is entitled to prevail as a matter of law; or (c) otherwise contests the appropriateness of this Order, Respondent may mail or deliver within thirty (30) days of receipt of this Order a written Request for Hearing at the following address:

Hearing Clerk
New Mexico Environment Department
P.O. Box 5469
Santa Fe, New Mexico 87502

Respondent must attach a copy of this Order to the Request for Hearing. 20.1.5.200.A(2)(d) NMAC.

The Request for Hearing shall include an Answer. Respondent's Answer shall clearly and directly admit, deny or explain each of the factual allegations contained in this Order with regard to which Respondent has any knowledge. Where Respondent has no knowledge of a particular factual allegation, Respondent should so state, and the Respondent may deny the allegation on that basis. Any allegation in this Order not specifically denied shall be deemed admitted. 20.1.5.200.A(2)(a) NMAC.

Respondent's Answer shall also include any affirmative defenses upon which Respondent intends to rely. Any affirmative defense not asserted in the Answer, except a defense asserting lack of subject matter jurisdiction, shall be deemed waived. 20.1.5.200.A(2)(b) NMAC.

Respondent's Answer shall be signed under oath or affirmation that the information contained therein is to the best of the signer's knowledge believed to be true and correct. 20.1.5.200.A(2)(c) NMAC.

FINALITY OF ORDER

Pursuant to NMSA 1978, §§ 61-33-10.E and § 74-1-10.E, this Order shall become final unless the Respondent files a Request for Hearing with the Hearing Clerk within thirty (30) days of receipt of this Order.

SETTLEMENT CONFERENCE

Whether or not a Request for Hearing has been filed, Respondent may confer with the NMED concerning settlement of this Order. The NMED encourages settlement consistent with the provisions and objectives of the EIA and the DW Regulations. Settlement discussions neither extend the thirty (30) day deadline for filing a Request for Hearing and Answer nor alter the deadline imposed for compliance with the mandate of this Order. Settlement discussion may be pursued as an alternative to, and simultaneously with, the hearing proceedings. Respondent may appear at the settlement conference alone or accompanied or represented by legal counsel.

A Stipulated Final Order shall finalize any settlement reached by the parties. The Stipulated Final Order must resolve all issues raised in this Order, shall be final and binding on all parties, and may not be appealed.

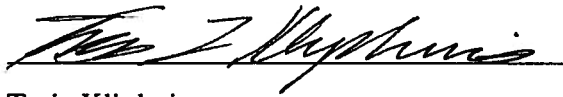
To explore the possibility of settlement in this matter, contact Maria J. Medina, Drinking Water Bureau, New Mexico Environment Department, P.O Box 5469, Santa Fe, New Mexico 87502-5469, (505) 476-8629.

COMPLIANCE WITH OTHER LAWS

Compliance with the requirements of this Order does not relieve Respondent of the obligation to comply with all other applicable laws and regulations. This Order does not constitute a waiver, suspension, or modification of the requirements of 20.7.10 NMAC and 20.7.4 NMAC which remain in full force and effect. Issuance of this Order is not an election by the NMED to forgo any civil or criminal action otherwise authorized under the EIA.

TERMINATION

This Order shall terminate when Respondent certifies that all requirements of this Order have been met and the NMED has approved such certification in writing. The NMED shall not approve such certification until Respondent's public water system has collected a monthly total coliform sample for six (6) consecutive months, or when the Secretary approves a Stipulated Final Order.



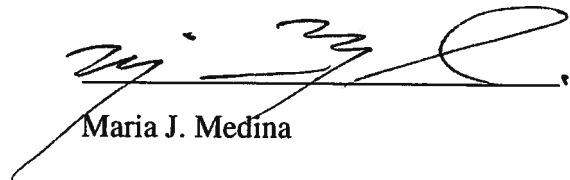
Trais Kliphuis
Division Director
Water Protection Division
Harold L. Runnels Building
1190 St. Francis Drive
Santa Fe, New Mexico 87502

April 10, 2015
Date

Certificate of Service

I hereby certify that a copy of the foregoing Administrative Compliance Order was sent on 4/10, 2015 via certified return receipt requested to the following:

Anita Laran
Guadalupita MDWCA
PO Box 307
Guadalupita, NM 87722



Maria J. Medina